

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Angel Riddle	Team: Squad #5	CCRB Case #: 201903189	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/06/2019 10:00 PM	Location of Incident: PSA3 stationhouse	Precinct: 81	18 Mo. SOL 10/6/2020	EO SOL 5/23/2021	
Date/Time CV Reported Mon, 04/15/2019 8:07 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/15/2019 8:07 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Isaac Souchak	20508	959263	HBK RT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Cory Levy	19666	958812	HBK RT
2. POM Phillip Correale	16904	957488	PSA 3

Officer(s)	Allegation	Investigator Recommendation
A.POM Isaac Souchak	Discourtesy: Inside the § 87(2)(b) Police Officer Isaac Souchak spoke discourteously to § 87(2)(b)	§ 87(2)(g)
B.POM Isaac Souchak	Discourtesy: Inside the § 87(2)(b) Police Officer Isaac Souchak gestured discourteously toward § 87(2)(b)	§ 87(2)(g)
C. An officer	Abuse: In the vicinity of the § 87(2)(b) an officer searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(g)
D. An officer	Abuse: In the vicinity of the § 87(2)(b) an officer damaged § 87(2)(b)'s property.	§ 87(2)(g)

Case Summary

On April 14, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

On April 6, 2019, at approximately 5:05 p.m., § 87(2)(b) was driving his vehicle near Malcolm X Boulevard and Greene Avenue in Brooklyn when Police Officer Cory Levy and Police Officer Isaac Souchak of the Housing Borough Brooklyn Response Team pulled him over for playing music from his car at an unreasonable volume. The officers arrested § 87(2)(b) for driving with a suspended license and transported him to the PSA3 stationhouse. Police Officer Phillip Correale of PSA3 drove § 87(2)(b)'s vehicle to the stationhouse. At approximately 10 p.m. that same night, PO Souchak released § 87(2)(b) with a desk appearance ticket. As PO Souchak escorted § 87(2)(b) out of the stationhouse, he allegedly told § 87(2)(b) "If I see you on the street, I know you're going to say 'Fuck you' to me, and I'm going to say 'Fuck you' back" (**Allegation A: Discourtesy, § 87(2)(g)**). PO Souchak also allegedly raised his middle finger at § 87(2)(b) (**Allegation B: Discourtesy, § 87(2)(g)**). § 87(2)(b) later found that items in the trunk of his vehicle had been moved around, and that the backseat cushions had been removed from their hinges (**Allegations C-D: Abuse of Authority, § 87(2)(g)**).

The investigation obtained footage from PO Souchak and PO Levy's BWCs (BR01-02, summarized at BR03). The footage did not capture the portions of the incident in which PO Souchak allegedly spoke and gestured discourteously to § 87(2)(b) nor did it capture any officer entering the trunk of § 87(2)(b)'s vehicle or removing the backseat cushions. The investigation also obtained cellphone footage from § 87(2)(b) ostensibly showing the condition of the interior of his trunk when he first regained possession of his vehicle (BR04), and the investigation obtained a photograph from § 87(2)(b) of the backseat of his vehicle, ostensibly showing the alleged property damage (BR05).

§ 87(2)(g)

Findings and Recommendations

Allegation (A) Discourtesy: Inside the PSA3 stationhouse, Police Officer Isaac Souchak spoke discourteously to § 87(2)(b)

Allegation (B) Discourtesy: Inside the PSA3 stationhouse, Police Officer Isaac Souchak gestured discourteously toward § 87(2)(b)

It is undisputed that PO Souchak returned § 87(2)(b)'s personal property to him, provided a DAT to him, and explained its requirements in the area between the cells and the main desk inside the PSA3 stationhouse.

When § 87(2)(b) first filed the complaint, he did not allege that any officer used profanity toward him (BR06). In a later phone statement, he similarly made no discourtesy allegations (BR07). At his in-person interview, however, § 87(2)(b) recounted that he saw PO Souchak when he was leaving the stationhouse, and that PO Souchak told him, "If I see you on the street, I know you're going to say, 'Fuck you' to me, and I'm going to say, 'Fuck you,' back" (BR08). PO Souchak

raised his middle finger to § 87(2)(b) while making the statement. § 87(2)(b) did not provide any further context for PO Souchak's use of profanity toward him and confirmed that he had no prior conversation with PO Souchak from the time he entered the stationhouse until the time he was released. § 87(2)(b) stated in a later phone statement that nobody was around to witness this conversation (BR09).

PO Souchak confirmed that he walked § 87(2)(b) out of the stationhouse upon his release, and that they discussed the DAT and the requirement that § 87(2)(b) appear for his court date (BR10). PO Souchak could not recall if anyone witnessed this conversation. PO Souchak denied using any profanity with § 87(2)(b), denied making the alleged profane statement, and denied displaying his middle finger to § 87(2)(b). PO Souchak also denied making any statements regarding the possibility of his seeing § 87(2)(b) on the street in the future.

PO Levy, who testified that he had no independent recollection of this incident, stated that he was not present when § 87(2)(b) was released, and referred to his memo book to show that he was not in the stationhouse at the time that § 87(2)(b) was released (BR11). PO Levy had no recollection of witnessing a conversation between PO Souchak and § 87(2)(b) shortly before § 87(2)(b)'s release from custody. Similarly, PO Correale's memo book showed that he was not present at the stationhouse at the time § 87(2)(b) was released, and he stated that he had no recollection of witnessing any conversation between PO Souchak and § 87(2)(b) at that time (BR12).

§ 87(2)(g)

Allegation (C) Abuse of Authority: In the vicinity of the PSA3 stationhouse, an officer searched the vehicle in which § 87(2)(b) was an occupant.

Allegation (D) Abuse of Authority: In the vicinity of the PSA3 stationhouse, an officer damaged § 87(2)(b)'s property.

It is undisputed that PO Correale drove § 87(2)(b)'s vehicle back to the stationhouse from the scene of the arrest, and that he parked it either within the PSA3 stationhouse's parking lot or on a nearby street. It is also undisputed that no officer searched the trunk of § 87(2)(b)'s vehicle at the scene of his arrest, and that § 87(2)(b) never witnessed any officer search his vehicle at any point.

In his initial complaint, § 87(2)(b) recounted that he noticed the morning after his arrest that the backseat of his vehicle was torn up. In a later phone statement, he specified that the backseat cushion had been removed from its hinges, and that it appeared that it needed to be hooked back into place. In addition, he found that objects in the trunk had been moved around. § 87(2)(b) photographed the backseat and videotaped the contents of the trunk at that time.

In his in-person statement, § 87(2)(b) elaborated that his sister met him upon his release from custody, and that she drove his vehicle while he rode in it. During that ride, § 87(2)(b) did not notice anything inside the vehicle. The following day, § 87(2)(b) found the items moved around in the trunk. He confirmed that no one had access to the trunk between the time he was released

and the time he discovered the items in the trunk the following day. Later that day, § 87(2)(b) went to pick up his girlfriend and his children, and the children asked what happened to the backseat of § 87(2)(b)'s vehicle. It was at this point that § 87(2)(b) first saw that the backseat cushions had been removed from their hinges, and that the entire area beneath the cushions was exposed to view. § 87(2)(b) did not know if the cushions could simply be hooked back into place. He did not attempt to do so, nor did he consult an auto mechanic about the issue.

PO Souchak, PO Levy, and PO Correale all denied searching § 87(2)(b)'s vehicle at any point, and all three denied seeing the condition of the vehicle as depicted in § 87(2)(b)'s photograph and cellphone footage. PO Souchak did not recall seeing § 87(2)(b)'s vehicle in the vicinity of the stationhouse. He specified that, as the arresting officer, he would have been the officer to conduct an inventory search. He noted that he did not voucher any property related to § 87(2)(b)'s arrest, which he would have done had he conducted an inventory search of the vehicle. Similarly, he did not make a memo book notation regarding an inventory search, which he would have done had he performed such a search. PO Levy similarly denied having knowledge of any officer searching § 87(2)(b)'s vehicle at the stationhouse. PO Correale denied that he searched any portion of § 87(2)(b)'s vehicle while transporting it to the stationhouse and confirmed that he rode in the vehicle alone. He further denied that he searched it after arriving at the stationhouse and denied having any knowledge of any other officer searching it.

The investigation confirmed that no property vouchers were prepared in relation to § 87(2)(b)'s arrest (BR13).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR14).
- PO Souchak has been a member of the force for four years, and has been a subject in four CCRB complaints and twelve allegations, one of which was substantiated:
 - Case #201707305 involved a substantiated allegation of discourteous action against PO Souchak. The Board recommended command level instructions and the NYPD imposed no disciplinary action. The discourteous action in #201707305 involved PO Souchak ending a civilian's phone call, § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
 - As of October 11, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (BR15).
 - § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
 - § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
-

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date